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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

SUBMITTED:  
RESUBMITTED:

July 17, 2017  
August 14, 2017

MEMORANDUM TO THE NATURAL RESOURCES  
COMMISSION

A P P R O V E D

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MICHIGAN NATURAL RESOURCES COMMISSION

(ASSISTANT TO THE COMMISSION)

Subject: Fisheries Order 224.17  
Regulations on the Take of Reptiles and Amphibians

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue Orders to regulate the taking of fish in the waters of this state.

Discussion and Background:

This Order sets regulations for Michigan's reptiles and amphibians and is recommended to be modified by removing two statutory references listed in the Order. A proposed change to statute by Senate Bill 316, sponsored by Senator Booher would repeal Section 45501 of PA 451, which prohibits the use of artificial lights when harvesting frogs with a spear. A second provision references Section 48703 of PA 451, which has recently been repealed and warrants removal from the Order. The Natural Resources Commission (NRC) has the explicit authority to set regulations on the take and harvest of fish and reptiles and amphibians via orders. Recommended changes to the Order will not result in any changes for anglers as both provisions will remain in effect once the unnecessary statutory references are removed. This Order is recommended for immediate effect.

*Issue Pros and Cons*

Changes will remove two outdated statutory references and will not result in any regulatory changes for anglers. There are no cons identified.

*Biological*

The regulation changes proposed are not related to biology.

*Social*

The regulation changes will not result in any noticeable changes for anglers.

*Economic*

The Department does not expect the proposed changes to have any significant budgetary or personnel implications.

Recommendation:

Relevant Divisions have contributed to the preparation of this Order. This Order was submitted for information on August 10, 2017, at the Natural Resources Commission meeting. This item appeared on the Department's August 2017 calendar and may be eligible for approval on September 14, 2017.



James Dexter, Chief  
Fisheries Division



Russ Mason, Ph.D., Chief  
Wildlife Division



Ronald A. Olson, Chief  
Parks and Recreation Division



Gary Hagler, Chief  
Law Enforcement Division



Marc Miller, Acting Chief  
Forest Resources Division



William O'Neill  
Natural Resources Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.

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Keith Creagh, Director

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Date

# FISHERIES ORDER

## Regulations on the Take of Reptiles and Amphibians Order 224.17

By authority conferred on the Natural Resources Commission and the Department of Natural Resources by Part 487 of 1994 PA 451, MCL 324.48701 to 324.48740, it is ordered on September 14, 2017, the following section(s) of the Fisheries Order shall read as follows:

It shall be unlawful to kill, take, trap, possess, buy, sell, offer to buy or sell, barter, or attempt to take, trap, possess or barter any reptile or amphibian from the wild, or the eggs of any reptile or amphibian from the wild, except as provided within this Order.

### GENERAL

1. The following species of reptiles and amphibians shall not be taken from the wild and possessed except as authorized under a permit for scientific research, conservation, or educational purposes from the director:

Eastern Massasauga Rattlesnake (*Sistrurus catenatus catenatus*)  
 Queen Snake (*Regina septemvittata*)  
 Blanding's Turtle (*Emydoidea blandingii*)  
 Wood Turtle (*Glyptemys insculpta*)  
 Eastern Box Turtle (*Terrapene carolina*)  
 Grey Rat Snake (*Pantherophis spiloides*) [formerly known as the Black Rat Snake (*Elaphe obsoleta obsoleta*)] – Exception: albino color variations of this species commonly bred in the pet trade may be possessed without permit  
 Boreal Chorus Frog (*Pseudacris maculata*)  
 Western Lesser Siren (*Siren intermedia nettingi*)  
 Mudpuppy (*Necturus maculosus*)  
 Fowler' toad (*Bufo [Anaxyrus] fowleri*) [= *Bufo woodhousii fowleri*]  
 Pickerel frog (*Rana palustris*)  
 Butler's Garter Snake (*Thamnophis butleri*)  
 Smooth Green Snake (*Opheodrys vernalis*) [= *Liochlorophis vernalis*]

2. Reptiles and amphibians designated as endangered or threatened by the Department in R. 299.1024 and R 299.1025 under authority conferred on the Department by the Michigan Endangered Species Act, Part 365 of 1994 PA 451, shall not be taken from the wild and possessed except as authorized under a permit for scientific research, conservation, or educational purposes from the director. These include:

Kirtland's Snake (*Clonophis kirtlandii*)  
 Copper-bellied Water Snake (*Nerodia erythrogaster neglecta*)  
 Eastern Fox Snake (*Pantherophis gloydi*) [= *Patheophis vulpinus gloydi* = *Elaphe gloydi*]  
 Six-lined racerunner (*Aspidoscelis sexlineata*) [= *Cnemidophorus sexlineatus*]  
 Spotted Turtle (*Clemmys guttata*)  
 Marbled Salamander (*Ambystoma opacum*)  
 Small-mouthed Salamander (*Ambystoma texanum*)  
 Blanchard's Cricket Frog (*Acris blanchardi*) [= *Acris crepitans blanchardi*]



3. A person may collect reptiles and amphibians or their eggs for research studies or other special use under a permit issued by the director's designated fisheries representative. The permit shall be valid only for the species, number, manner and time specified on the permit.
4. A person may take certain species of reptiles and amphibians for personal use. See PERSONAL USE.
5. The taking of reptiles and amphibians for commercial purposes is prohibited.
6. Reptiles may be taken only by hand, trap, seines up to 12 x 4 feet overall dimension, hand net, or hook-and-line.
7. Amphibians may be taken by hand, hook-and-line, hand net or trap where not otherwise prohibited by law. In addition, frogs may be speared. Frogs shall not be speared with the aid of an artificial light.
8. Traps used or possessed in areas frequented by reptiles must have a plate or tag attached bearing the name and address of the user in legible English.
9. It is illegal to possess or transport in the field, dressed or processed reptiles or amphibians that cannot be measured or identified.
10. A person shall immediately release to the wild any reptile or amphibian that is taken during a closed season, is under the legal size, or is otherwise protected.
11. Reptile eggs may not be disturbed or removed from the wild except as authorized under a permit for scientific research, conservation, or educational purposes by the director.
12. Reptiles and amphibians shall not be taken with a firearm (including spring, air, or gas), bow and arrow, or crossbow.

**PERSONAL USE**

1. A fishing license is required to take reptiles and amphibians for personal use.
2. Traps used for the taking of turtles shall be limited to no more than 3 traps, shall be constructed and set in a manner to allow turtles to surface and breathe, and shall be constructed of mesh at least 1 inch wide at the narrowest measurement.
3. All reptiles and amphibians taken for personal use shall not be bought, sold or offered for sale.
4. Snapping turtle carapace length: to obtain the carapace (top of shell) length, use a flexible tape to measure from the nuchal scute (the scute directly behind the turtle's head) to the base of the notch where the two most posterior scutes meet.
5. The following table lists the regulations that apply to the taking of reptiles and amphibians for personal use:

Species	Season	Minimum Size (inches)	Daily Possession Limit	Possession Limit
Frogs, toads, salamanders,	Last Sat. in May - Nov. 15	None	10 in any combination	10 in any combination
Snapping turtles	July 15-Sept. 15	13 inch minimum carapace length	2 in combination (no more than 1 of either species)	4 total in combination (no more than 2 of either species)
Softshell turtles		None		
All other turtles (painted, musk, map, red-eared slider); snakes and lizards	Open all year	None	3 in combination (However, no more than 2 turtles and no more than 1 of any one turtle species)	6 total in combination (However, no more than 4 turtles and no more than 2 of any one turtle species)

This Order shall be assigned number FO-224.17, and is entitled "Regulations on the Take of Reptiles and Amphibians."

This Order supersedes the Order entitled "Regulations on the Take of Reptiles and Amphibians," which became effective October 14, 2016, and is assigned number FO-224.16.

This Order shall take immediate effect on September 15, 2017 and shall remain in effect until amended/rescinded.

Issued on this 14th day of September, 2017.

Approved as to matters over which the Natural Resources Commission has authority.

John Matonich, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh  
Director